

Message Text

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ORIGIN EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOTe-00 INR-07 NSAE-00 FAA-00 L-02 INRE-00 SS-15

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EUR/SOV - P.LYNN

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FM SECSTATE WASHDC

TO AMEMBASSY MOSCOW IMMEDIATE

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E.O. 11652: N/A

TAGS: EAIR, UR

SUBJECT: CIVAIR - EXPANSION OF BILATERAL AIR SERVICES

REF: (A) MOSCOW 4376; (B) STATE 66323

1. ALTHOUGH IT HAS OPERATED TO SOVIET UNION FROM CHICAGO WITHOUT SOVIET CHALLENGE, PAN AM IS NEVERTHELESS UNEASY ABOUT POTENTIAL SOVIET OBJECTION TO SUCH PATTERN OF SERVICE. APPARENT SOURCE OF UNEASINESS AROSE OUT OF RECENT CARRIER DISCUSSIONS AT WHICH AEROFLOT RAISED OBJECTIONS (WHICH IT DID NOT PURSUE) TO PAN AM CHICAGO ORIGINATING SERVICE. IN USG VIEW, SERVICE WITHIN DESIGNATED AIRLINES' HOMELAND BEHIND POINTS SPECIFIED IN AGREEMENT IS RIGHT INHERENT IN BILATERAL AGREEMENT. HOWEVER, IN VIEW POSSIBILITY THAT SOVIETS AT SOME POINT IN FUTURE MAY RAISE OBJECTION TO PROPOSED BEHIND NEW YORK SERVICE (AND SOVIET HESITATION WITH REGARD TO PROPOSED NEW PARA 8 SUGGESTS THIS REAL
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POSSIBILITY), BELIEVE WE MUST PRESS FOR INCLUSION IN

AGREEMENT OF LANGUAGE SPELLING OUT THE INHERENT RIGHT OF SUCH SERVICES.

2. ACCORDINGLY, EMBASSY SHOULD CONTINUE DISCUSSIONS WITH SOVIETS ON BASIS REF B NOTE EXCHANGE. IN DOING SO, EMBASSY MAY WISH POINT OUT THAT U.S. IS PRESSING ONLY FOR

SPECIFICATION OF RIGHT WHICH BOTH PARTIES ALREADY ENJOY IMPLICITLY IN BILATERAL AGREEMENT. ON OTHER HAND, SOVIETS IN THEIR PROPOSED NOTE EXCHANGE ARE PROPOSING RIGHTS THAT GO FAR BEYOND BILATERAL AGREEMENT WHICH U.S. UNABLE TO ACCEPT.

3. WITH RESPECT TO LEVEL OF FREQUENCIES PARTIES CAN LEGALLY OPERATE BEYOND MARCH 31, IN CASE OF AEROFLOT, CONTROLLING FACTOR IS ITS FOREIGN AIR CARRIER PERMIT. PERMIT STIPULATES IN EFFECT THAT IN ABSENCE OF AGREEMENT OTHERWISE (WHICH IS PRESENT SITUATION) AEROFLOT MAY OPERATE TWO FREQUENCIES WEEKLY.

4. SINCE AEROFLOT WISHES BEGIN OPERATE FOUR FREQUENCIES IMMEDIATELY AND PAN AM DOES NOT WISH BEGIN OPERATE FOUR FREQUENCIES UNTIL MAY 22, PRESSURE IS CLEARLY ON SOVIETS. EMBASSY SHOULD IN ANY EVENT POINT OUT TO SOVIETS THAT UNDER TERMS ITS FOREIGN AIR CARRIER PERMIT, AEROFLOT IS RESTRICTED TO TWO FREQUENCIES WEEKLY.

5. CIRCULAR 175 AUTHORITY MUST BE SECURED BEFORE NOTE EXCHANGE CAN TAKE PLACE. PLEASE ADVISE PROGRESS.

6. REGARDING THE AGREED MINUTE ON CHARTER FACILITATION WE ARE PREPARED TO ACCEPT SOVIET ORAL COMMITMENT. WHILE EXTENSION OF AGREED MINUTE CANNOT PROPERLY BE ACCOMPLISHED BY NOTE EXCHANGE, DEPARTMENT WISHES TO FORMALIZE SITUATION TO EXTENT POSSIBLE. THEREFORE, EMBASSY SHOULD LEAVE WITH SOVIETS "NON-PAPER" REFERRING TO AGREED MINUTE OF JUNE 22, 1973 AND SOVIET COMMITMENT TO EXTEND THIS UNDERSTANDING FOR AN ADDITIONAL YEAR BEYOND MARCH 31, 1975. INGERSOLL

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